



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HOME DEPOT, U.S.A., INC.,

Plaintiff,

- against -

CHUBB GROUP OF INSURANCE COMPANIES and  
FEDERAL INSURANCE COMPANY,

Defendants.

x 07 CV 3502

CIVIL CASE  
DISCOVERY PLAN  
AND SCHEDULING  
ORDER

The following Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel for the parties, pursuant to Rules 26(f) and 16 of the Federal Rules of Civil Procedure. (Note: all proposed dates should be for weekdays only)

The case is to be tried to a jury.

Joinder of additional parties must be accomplished by December 7, 2007.

Amended pleadings may be filed until November 30, 2007

**Discovery:**

1. Interrogatories are to be served by all counsel no later than November 30, 2007, and responses to such interrogatories shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 shall not apply to this case.
2. First request for production of documents, if any, to be served no later than November 30, 2007.
3. Depositions to be completed by February 22, 2008
  - a. Unless counsel agree otherwise or the Court orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
  - b. Depositions shall proceed concurrently.

c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.

4. Any further interrogatories, including expert interrogatories, to be served no later than February 29, 2008.

5. Requests to Admit, if any, to be served no later than February 29, 2008.

6. Additional provisions relating to discovery agreed upon by counsel for the parties are not attached and made a part hereof.

7. All discovery is to be completed by March 7, 2008.

8. ~~Initial~~ <sup>Telephone</sup> Case Management Conference 12/6/07 at 9:00 (To Be <sup>Plaintiff to initiate the</sup> Completed By Court) (Counsel in receipt of this scheduling order is to notify their <sup>call.</sup> adversary of the date and time of this Initial Case Management Conference).

Joint Pretrial Order is required only if counsel for all parties agree that it is desirable, or the Court so orders.

This case has been designated to the Hon. George A. Yanthis, United States Magistrate Judge at White Plains for discovery disputes if the Court is “unavailable” and for trial under 28 U.S.C. § 636(c) if counsel execute their consent in writing.

Unless otherwise ordered by the Court, the parties are expected to commence discovery upon the receipt of this signed Scheduling Order.

Strict compliance with the trial readiness date will be required. This Plan and Order may not be changed without leave of the Court, except that upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial readiness consistent with that agreed date.

White Plains, New York

Dated: September 27, 2007

~~/SO ORDERED~~

~~Hon. Charles L. Bryant U.S.D.J.~~

George A. Yanth<sup>m</sup>